



# CODE OF ETHICS AGREEMENT FOR PASTORAL COUNSELORS AND SPIRITUAL DIRECTORS, AND FOR ADULTS WHO COME INTO CONTACT WITH MINORS

## I. INTRODUCTION

The *Code of Ethics Agreement for Pastoral Counselors and Spiritual Directors, and for Adults Who Come into Contact with Minors* (“*Code of Ethics*”) is applicable to all “Church Personnel,” including, but not limited to, priests, deacons, religious, principals, teachers, employees, and Covered Volunteers. The *Code of Ethics* is intended to provide clear standards of behavior and, in particular, a blueprint for the boundaries of appropriate behavior in all interactions with children and young people. The *Code of Ethics* is intended to be read along with the *Policies and Procedures for the Protection of Children and Young People* (“*Policies*”).

## II. DEFINITIONS

1. For purposes of the *Code of Ethics* only, the following are definitions for terms used herein.
  - 1.1 **Sexual Misconduct:** Including, but not limited to:
    - A. **Child Abuse:** any form of negligent, reckless, intentional or malicious infliction of injury to a child's physical, moral or mental well-being.
    - B. **Sexual Abuse of a Minor:** contacts or interactions between a child and an adult or a child and a minor where the child is being exploited or used as an object of sexual gratification for the adult; the acquisition, possession, or distribution of pornographic images of minors for the purposes of sexual gratification, by whatever means or using whatever technology.
    - C. **Sexual Harassment:** unwelcome sexual advances, requests for sexual favors, and

other communication (oral or written, including, but not limited to, electronic mail and social media) or physical behavior of a sexual nature. There are three categories. One type occurs when submitting to this type of behavior or conduct is implicitly or explicitly made a term of employment. Another type is when submitting or refusing to submit to this conduct is used as a basis for any decision affecting an individual's employment. The third type is behavior or conduct that creates a hostile environment.

- 1.2 **Diocese:** the Roman Catholic Diocese of Tulsa, including parishes, schools, agencies, ministries, and institutions which are directly accountable to the Ordinary of Tulsa.
- 1.3 **Church Personnel:** any priest, religious, deacon, administrator, employee, or Covered Volunteer, as defined in the Policies, working on behalf of the Diocese or applying to work for the Diocese, as defined above, who has or will have contact with children, as defined in the course of his or her duties for the Diocese.
- 1.4 **Child or Children:** all persons under the age of eighteen and those persons, including adults, who habitually lack the use of reason.
- 1.5 **Child Abuse Reporting:** Under Oklahoma law “every person having reason to believe that a child under the age of eighteen (18) years is a victim of abuse or neglect shall report the matter promptly to the Department of Human Services.” Okla. Stat. tit. 10A § 1-2-101(B)(1). Reporting is mandatory. Persons shall report by calling the Department of Human Services Statewide Abuse Hotline: 1-800-522-3511. To report the sexual abuse of a minor by clergy or Diocesan personnel to the Diocese of Tulsa, you may call the Pastoral Response Hotline and leave a voicemail at 918-307-4970 or you may call the Chancery of the Roman Catholic Diocese and speak directly to the Vicar General or the Chancellor of the Diocese. The number is 918-294-1904

### III. RESPONSIBILITY

1. The public and private conduct of Church Personnel can inspire and motivate people, but it can also scandalize and undermine the people's faith. Church Personnel must, at all times, be aware of the responsibilities that can accompany their work. They must also know that God's goodness and grace support them in their ministry.
2. Responsibility for adherence to these *Code of Ethics* rests with the individual. Church Personnel who disregard the *Code of Ethics* will be subject to remedial or disciplinary action by the Diocese. Corrective action may take various forms, including but not limited to a verbal reproach, termination of employment, removal from the ministry, or other remedial action, depending on the specific nature and circumstances of the offense and the extent of the harm.

### IV. STANDARDS FOR ADULTS WHO COME INTO CONTACT WITH MINORS

#### 1. General Standards of Conduct

- 1.1 Church Personnel shall complete the VIRTUS Requirements and adhere to any and all

standards set forth in the *Policies & Procedures for the Protection of Children & Young People* before engaging in any Church activity in which they may come into contact with minors.

1.2 Church Personnel working with children shall maintain an open and trustworthy relationship between the child and adult supervisors.

1.3 Church Personnel can and should develop a good rapport with minors. They must also be vigilant to avoid the type of contact with children that could raise questions about the appropriateness of the contact, or which may lead to negative comments about the contact by reasonable people. Church Personnel must not only refrain from inappropriate/improper contact with children, but also refrain from engaging in any action that could give the appearance of inappropriate/improper contact.

A. Church Personnel must always exercise the highest degree of care in all of their interactions with children.

- Children are not independent. When Church Personnel are with children, their parent(s) or guardian must always be explicitly informed of the child's location and the purpose of the interaction.
- Federal, state, or local laws may limit or prohibit children from engaging in certain work activities. Church personnel must always ensure that children do not engage in any activities for the Church which may violate labor laws.
- Church Personnel may direct any inquiries regarding the employment of children to the Office for Human Resources at the Chancery.

B. Professional attitudes must always be observed in all interactions with minors.

C. Church Personnel are to avoid any unnatural or emotional attachment that a minor may have for them. Such attachments need to be recognized, acknowledged and properly addressed. In some instances, it may be necessary to terminate further contact with the child.

D. Church Personnel must always be aware of the "power" of their role/position and be aware of the phenomenon of transference and of countertransference.

E. When meeting with a minor, Church Personnel should avoid being alone with minors and, whenever possible, have another adult present or nearby.

F. Discussions of a sexual nature should only occur, if necessary, to respond to a specific question from a minor. Any such discussion should use appropriate, professional language. Slang or street words or phrases should not be used.

G. Topics that could not be comfortably discussed with parents or another adult should not be discussed with children. Church Personnel should not use foul, offensive, or

crude language in talking to children.

- H. Meetings with minors should only occur on Church property, if possible. Minors should never be invited or taken into the private areas of Church property or the private areas of private homes. Church Personnel should not spend their days off with minors who are not related to them.
- I. Games or sporting activities with minors should only be engaged in the presence of at least two adults.
- J. Alcohol, tobacco, controlled substances or sexually explicit material, including, but not limited to, child pornography, are never to be supplied to minors by Church Personnel.
- K. Church Personnel are not to engage in physical discipline of minors. Discipline problems should be handled in coordination with the parent(s) or legal guardian of the minor.
- L. Youth groups are to have at least two adult chaperones, proportionate in gender to the gender of the minors present, for any activity. While on youth group trips, Church Personnel are to maintain a professional stature and be prudent and professional when socializing with minors. During such youth group trips, individual Church Personnel are not to sleep alone in the same room with a minor.
- M. Unsupervised minors should not be given keys to Church facilities.
- N. Church Personnel are never to take photographs of minors while they are unclothed or dressing (e.g., in locker rooms or bathing facilities) and are never to engage in any horseplay around in locker rooms or bathing facilities.
- O. Church Personnel must be aware of their own and others' vulnerability when working alone with youth and use a team approach to managing youth activities.
- P. Physical contact with youth can be misconstrued. It should only occur in an appropriate nonsexual context and never in private.

## **2. Standards of Sexual Conduct**

- 2.1 Church Personnel must not, for sexual gain or intimacy, exploit the trust placed in them by the faith community.
- 2.2 The Diocese strictly prohibits sexual misconduct by any Church Personnel. The Diocese strictly prohibits anyone from interacting with minors on behalf of the Diocese who has a civil or criminal record of child sexual abuse, has admitted prior sexual abuse, or is known to have a diagnosis of pedophilia, hebephilia, ephebophilia, or any related disorder as defined by the American Psychiatric Association and the *Diagnostic and Statistical Manual of Mental Disorders* (“DSM-V”). For the purpose of these Standards,

sexual misconduct involving minors is defined as both sexual exploitation and sexual abuse of individuals both male and female under age 18 as defined by law.

- A. Church Personnel who are committed to a celibate lifestyle are called to be an example of celibate chastity in all relationships and at all times.
- B. Church Personnel who provide pastoral counseling or spiritual direction must avoid developing intimate relationships with persons that they counsel, other staff, or parishioners. Staff and volunteers must behave in a professional manner at all times.
- C. Church Personnel may not exploit another person for sexual purposes.
- D. All allegations of sexual misconduct or suspected sexual abuse against a minor by Church Personnel must be taken seriously. Church Personnel shall review and know the Child Abuse Reporting requirements and are to follow those mandates. See, Policies.

### **3. Harassment of Minors or Other Church Personnel**

3.1 Church Personnel must not engage in physical, psychological, written, or verbal harassment of minors, staff, volunteers, or parishioners, and must not tolerate such harassment by other Church Personnel.

- A. Church Personnel are to provide a professional work environment that is free from physical, psychological, written, or verbal intimidation or harassment.
- B. Some examples of behavior or environment that could be considered harassment:
  - Any derogatory jokes, comments or slurs delivered in a manner that could be considered belligerent or threatening to another;
  - Any unwanted touching, assault, deliberate blocking, or any intimidating action that interferes with free movement;
  - Any inappropriate promises or inappropriate *quid pro quo* language;
  - Any unwelcome touching and/or demands for sexual favors, and also any unwelcome sexually oriented behavior, comments or visually derogatory or demeaning posters, written words, drawings, novelties, or gestures which create a hostile or offensive environment.
  - The Diocese prohibits all such conduct, whether committed by supervisory or non-supervisory personnel as well as by a third party (i.e., non-employee of the Diocese of Tulsa) engaged in business with the Diocese of Tulsa.
- C. Harassment can be a single severe incident or a persistent pattern of behavior where

the purpose or the effect is to create a hostile, offensive, or intimidating work environment.

- D. Possession of any pornographic pictures, or other sexually oriented material, on Church Property is strictly prohibited.
- E. Allegations of harassment are to be taken seriously and reported immediately to the individual's immediate supervisor, or other appropriate Church authorities.

#### **4. Standards of Conduct for Pastoral Counselors and Spiritual Directors**

4.1 As used in this section, the terms “Pastoral Counselors” and “Spiritual Directors” refer to priests, deacons, seminarians, church personnel, and volunteers who provide formal or informal pastoral, or spiritual counseling services to individuals, families, or other groups. Pastoral Counselors and Spiritual Directors must respect the rights and advance the welfare of each person.

4.2 Pastoral Counselors and Spiritual Directors:

- A. Shall not step beyond their competence in pastoral or spiritual counseling and shall refer persons they counsel to other professionals after four sessions if matters arise that are outside the purview of pastoral matters.
- B. Shall carefully consider the possible consequences of pastoral counseling before entering into any pastoral counseling relationship with someone with whom they have a pre-existing relationship (i.e., employee, professional colleague, friend, etc.).
- C. Shall not audiotape or videotape sessions.
- D. Shall never counsel anyone at a person's home unless the individual is homebound or as required by an emergency situation. If an exception applies, the Pastoral Counselor or Spiritual Director should observe prudent visibility and regularity in engaging in pastoral counseling or spiritual direction.
- E. Shall not engage in any form of sexual conduct, including physical conduct of a sexual nature, with the persons they counsel. This includes consensual sexual contact.
- F. Shall not engage in sexual conduct with any individual who is close to the persons they counsel, such as a relative or friend of the person they counsel. Pastoral Counselors and Spiritual Directors should presume that the potential for exploitation or harm exists in any such intimate relationships.
- G. Are responsible for establishing and maintaining clear, appropriate boundaries in all pastoral counseling and pastoral or spiritual counseling-related relationships.
- H. Are to avoid physical contact of any kind (i.e., touching, hugging, holding hands)

between themselves and the persons they counsel. Such actions can be misconstrued and should be avoided. Church Personnel should be mindful that not all members of the congregation are comfortable with physical touching and that a handshake should ordinarily suffice.

- I. Shall conduct pastoral counseling sessions in appropriate settings at appropriate times. Specifically, any meetings held in an office or room anywhere within a Diocesan facility shall not block the window in any manner or, if there is no window, shall always keep the door open for all to see.
  - Pastoral or spiritual counseling sessions must take place in only the professional portion of the rectory or other Church facility. Sessions are never to be conducted in the private living quarters.
  - Pastoral counseling sessions are not to be held in places or at times that would tend to cause confusion about the nature of the relationship for the person being counseled. Pastoral counseling sessions should be held in an appropriate professional setting and should be scheduled for normal business hours - ordinarily between the hours of 7:00 a.m. and 9:00 p.m.
- J. Shall maintain a written log of the times and places of each counseling session with each person being counseled.
- K. Pastoral Counselors shall ordinarily engage in no more than four pastoral counseling sessions with an individual before advising the individual to be seen by a licensed therapist of his or her choice; Spiritual Directors shall observe prudent regularity and intensity in their spiritual direction.
- L. **Counseling Minors.** Counseling minors presents additional considerations for Pastoral Counselors and Spiritual Directors. In addition to the aforementioned standards listed in A-K of this section, Pastoral Counselors and Spiritual Directors should adhere to the following:
  - If possible, another adult should be in close proximity during the counseling session.
  - Unless the subject matter precludes it, the child's parent(s) or legal guardian should be present or aware of the session.
  - The relationship must always remain professional during the counseling sessions.
  - If counseling entails more than two sessions, an evaluation of the matter is to be made with the child's parent(s) or guardian.
  - The Pastoral Counselor and Spiritual Director need to assess regularly the

relationship to determine whether the child is developing a personal/physical attraction to him or her. Such attractions need to be recognized and the child immediately referred to another Pastoral Counselor or Spiritual Director.

## **5. Confidentiality of Pastoral Counselors and Spiritual Directors**

6.1 Information disclosed to a Pastoral Counselor or Spiritual Director during the course of counseling, advising, or spiritual direction is to be held in the strictest confidence possible.

6.2 The obligation of confidentiality contained herein, is independent of the Sacramental Seal of Confession. Under no circumstances whatsoever can there be any disclosure—even indirect disclosure—of information received through the confessional.

A. At the initial meeting, Pastoral Counselors and Spiritual Directors are to discuss the nature of confidentiality and its limitations with each person in counseling.

B. Information obtained in the course of the pastoral counseling sessions is to be confidential, except for compelling professional reasons or as required by law.

- If there is clear and imminent danger to the persons they counsel or to others, the Pastoral Counselor or Spiritual Director may disclose only the information necessary to protect the parties affected and to prevent harm.
- Before disclosure is made, if feasible, the Pastoral Counselor or Spiritual Director should inform the person being counseled about the disclosure and the potential consequences.

C. Pastoral Counselors should keep minimal records of the content of sessions, and retained in a fashion to prevent inadvertent disclosures.

D. Knowledge that arises from professional contact may be used in teaching, writing, homilies, or other public presentations only when effective measures are taken to absolutely safeguard both the individual's identity and the confidentiality of the disclosures.

E. While providing pastoral counseling to a minor, if a Pastoral Counselor or Spiritual Director discovers that there is a serious threat to the welfare of the minor and that communication of confidential information to a parent or legal guardian is essential to the child's health and well-being, the Pastoral Counselor or Spiritual Director shall:

- Attempt to secure written consent from the minor for the specific disclosure.
- If consent is not given, disclose only the information necessary to protect the health and well-being of the minor.



- Consult with the Bishop of Tulsa and/or the Vicar General.

**V. REPORTING CODE OF ETHICS VIOLATIONS**

1. **Reporting Misconduct:** Church Personnel have a duty to report their own ethical or professional misconduct and the misconduct of others. Church Personnel must hold each other accountable for maintaining the highest ethical and professional standards. When there is an indication of misconduct by Church Personnel, the person who learns of the misconduct should notify his/her supervisor or other appropriate Church authorities.

**VI. STATEMENT OF CONSENT & UNDERSTANDING**

I hereby represent that I have received, read, and understood the *Code of Ethics Agreement for Pastoral Counselors and Spiritual Directors, and for Adults Who Come into Contact with Minors* of the Diocese of Tulsa, and I agree to strictly adhere to and actively support these policies as a condition of my employment or appointment. I specifically understand that an investigation of my background may be conducted by the Diocese of Tulsa or by a parish, agency or department of the Diocese of Tulsa as a condition of employment, appointment or retention for which I am being considered. Accordingly, I hereby consent to the release of otherwise confidential information and records concerning me by any government or law enforcement agency, and by any former employer or supervisor with or for whom I have been employed, to the Diocese of Tulsa, or any parish, agency or department thereof, to be used in considering my fitness for employment, appointment or retention. It is understood that such information shall be treated by the Diocese, its parishes, agencies and departments as strictly confidential, and shall be used only for the purpose of considering my appointment, employment or retention. It is further understood that this consent is not intended to permit or include the release of any records or information obtained or compiled by any attorney, physician, counselor or other health care professional in the course of performance of any professional services for or on my behalf. DATED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Position Sought/Held

\_\_\_\_\_  
Name of Agency/Institution